

October 8, 2008

RE: Request for Comments on the Proposed Transfer of the Great Plains Dinosaur Museum in Malta, Montana from the Montana Department of Commerce to the City of Malta

TO WHOM IT MAY CONCERN:

In order to fulfill our responsibilities under the Montana Environmental Policy Act, the Montana Department of Commerce is requesting your comments regarding the proposed transfer of the Great Plains Dinosaur Museum in Malta, Montana from the Montana Department of Commerce to the City of Malta. A copy of the draft Environmental Assessment is attached. The EA is also on our department's website and includes additional color photos of the exterior and interior of the museum, not included in the enclosed EA:

<http://commerce.mt.gov/doc/dinotransfer.asp>

#### Background

House Bill 423, passed during the 2005 Legislature, appropriated \$500,000 to the Department of Commerce *"to purchase the land and purchase and construct a facility for a park in Malta, Montana, to display the products of paleontological research in the area and to provide research facilities for paleontologists and complete necessary building upgrades. The Department of Commerce may lease the property to a private, nonprofit entity for the purpose of operating the park."*

The Department of Commerce consulted with the Board of the Judith River Foundation of Malta as the project proceeded. The Foundation previously operated the "Dinosaur Field Station" in adjacent to U.S. Highway 2 in Malta. With the assistance of a licensed architect, the Foundation Board selected a proposed museum site adjacent to the Phillips County Historical Museum on U.S. Highway 2. The members of the Judith River Foundation Board and the Phillips County Museum Board agreed that the property west of the County Museum would be the preferred site for the Dinosaur Museum. The County Museum property includes the two-story museum and the Robinson House, a restored historical home immediately to the east of the museum. The two boards believe there could be a potential "synergy" between the two museums, if they are located close together. They believe that the two museums will experience

greater visitation if they are next to each other. The museums also share a common parking lot.

The preferred site, immediately west of the Phillips County Historical Museum, was previously occupied by a florist ship and nursery, Jan's Floral and Greenhouse, owned by Karl and Janice Harms. The legal description is Lot 7 of Block 2 of the Original Townsite of Malta. The site is served by the City of Malta public water supply and wastewater collection systems.

The museum site is bounded on the north by the Milk River dike, on the east by the Phillips County Historical Museum, on the south by U.S. Highway 2, and on the east by residential properties. An aerial photo and map are enclosed with the Environmental Assessment for reference.

In December, 2006, the State Land Board authorized the Montana Department of Commerce to purchase the Harms' property for \$92,000, the appraised value. The Harms moved their greenhouses to a new site for the business south of the Burlington Northern – Sante Fe Railroad tracks which is closer to Malta's downtown business district. Demolition and clearance of the site was completed in March, 2007 prior to the actual sale to the Department.

In May, 2007, bids were awarded for construction of the Great Plains Dinosaur Museum to Clausen & Sons of Havre. The building and site plan was designed by Bruce Davidson of CIVIC Design of Great Falls with the building 40 X 60 feet on a lot approximately 100 X 225 feet. The Department of Administration, Architecture and Engineering Division was responsible for procurement of the architect, design, construction bidding, and supervision of construction.

In April 2008, the museum construction was completed. In May, 2008, the Montana Department of Commerce signed a lease agreement with the Judith River Foundation of Malta for operation and maintenance of the museum. In June, 2008, the Judith River Foundation hosted the grand opening of dinosaur museum.

The total cost of the project, from all sources, was \$671,539 including:

- \$500,000 appropriated by the Montana Legislature.
- A \$14,000 Community Development Block Grant from the Department of Commerce to prepare preliminary engineering plans.
- \$63,000 provided by the City of Malta through a Community Transportation Enhancement Program grant from the Montana Department of Transportation. The CTEP funds paid for the parking lot construction, landscaping, and signage.

- \$50,000 provided by the Judith River Foundation from a Tourism Infrastructure Investment Program grant from the Department of Commerce which paid for displays, the security system, and interior finish work.
- \$30,000 contributed by the Judith River Foundation and PhillCo Economic Growth Council.
- The project received additional in-kind donations from major corporate donors including the Discovery Channel, Eastman Kodak, and the Ford Motor Company.

In September, 2008, the Montana Department of Commerce requested the State Land Board's preliminary approval of a land transfer of state property from the Department to the City of Malta pursuant to Section 77-2-351, MCA. Under Section 351, the Land Board may approve, after consultation with the Legislative Council, a transfer of non-trust land to a public entity at less than fair market value, if the entity makes a binding commitment to use the property to provide a community service or a benefit that fulfills a public purpose.

The Department's planned transfer of the Dinosaur Museum meets this criteria. The museum property is not trust land, and the Department proposes to transfer it to the City of Malta, a public entity. The Department will place a reversionary clause on the deed that requires the property to be used for a public purpose or it will revert to the state.

As required under the statute, the Montana Land Board must give final approval for the purchase of the property. In preparing for the project's presentation to the Land Board on November 17, 2008, the Department of Commerce is conducting an evaluation of the project pursuant to the Montana Environmental Policy Act. We would appreciate receiving your comments on the project as soon as possible but no later than October 31, 2008.

Sincerely,

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